IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

MARTHA SMITH, BRIAN SMITH,
SHAWN SMITH   PLAINTIFFS

v.   NO. 4:05CV001930JMM

CITY OF JACKSONVILLE; a Municipal
Corporation; and BRETT HIBBS; AMANDA
CHAPMAN; KIMBERLY LETT; ROBERT
SLASH; CHRIS ERICKSON; SETH CORBEN;
JERRY KEEFER; RUSSELL NUSSER;
CHARLES HUGHES, in their Individual and
Official capacities   DEFENDANTS

PROTECTIVE ORDER

Before the Court is the parties' Joint Motion for Protective Order. Plaintiff has

requested copies of the training files of Separate Defendant Officers Brett Hibbs,

Amanda Chapman, Kimberly Lett, Robert Slash, Chris Erickson, Seth Corben, Jerry

Keefer, Russell Nusser, and Charles Hughes. In addition, Plaintiff has requested an

executed release of employment records for each individual. Said records purportedly

contain confidential and sensitive information. The parties have agreed to limit the use of
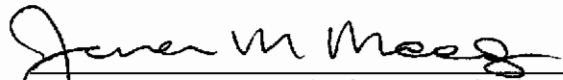
said records as follows:

    a.   Said documents shall be considered confidential.

    b.   All confidential records or other information provided hereunder shall be used for the purpose of this litigation only and none of the confidential material may be used for any other purpose whatsoever. Moreover, neither Plaintiff, Defendants, nor their respective counsel may utilize directly or indirectly the confidential records, documents, or other information made available pursuant to this Stipulation in any other administrative complaint, proceeding, or civil action.

    c.   All confidential records, documents, tapes, or other information provided hereunder shall be retained in the custody of counsel including their paralegal, secretarial staff, and/or other staff members, during the

pendency of this litigation. Counsel may also provide copies of such confidential records, documents or other information to any
expert witness[es] retained by either party or persons employed by such expert[s] whose review of the material is necessary for purposes of this litigation.

d.   If confidential documents or records are used during depositions, the depositions shall be treated as confidential in accordance with this Stipulation.

e.   Any document, information or deposition designated as confidential under this Stipulation shall, when filed with the Court, be clearly marked "confidential." A request to keep the sealed information separate and in secure storage to be opened
only by authorized Court personnel, shall be made to the Clerk.

f.   The parties, their counsel and their staff and the retained expert witness/witnesses shall not in any manner, directly or indirectly, transfer confidential records, documents or other information provided hereunder or copies thereof, or communicate, orally or in writing, any of the data contained in said material to any person.

g.   Counsel, promptly upon completion of this litigation, or before if at such time they have no further use of the confidential information, whichever first shall occur, shall return all materials produced, and all copies and extracts of data from such materials, or in the alternative, destroy same and verify said destruction with defense counsel.

h.   The protective order sought herein shall govern all pre-trial proceedings, but shall be subject to modification either before, during or after the trial on the merits, upon application of any of the parties to the Court.

i.   The provisions of the protective order sought herein shall not affect the admissibility of evidence at trial or any preliminary evidentiary proceeding in open court, except as directed by Order of the Court.

j.   The protective order sought herein is without prejudice to the rights of any party to make objections to the discovery as permitted by the Federal Rules of Civil Procedure, or by any statute or other authority.

IT IS THEREFORE ORDERED that the Joint Motion for Protective Order be, and it is hereby, GRANTED.

Dated this 12 day of Dec , 2006.

James M. Moody, United States District Judge

Approved:

/s/ Nga Ostoja-Starzewski

/s/ Robert Pressman

/s/ John W. Walker